

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ISAIAH RICHARD MATTHEWS (7),

Defendant.

CASE NO: 2:23-CR-0036-TOR-7

ORDER DENYING MOTIONS TO  
SUPPRESS AND SEVER

BEFORE THE COURT is Defendant Isaiah Richard Matthews' Motion to Suppress and Motion to Sever. ECF Nos. 211, 212. The motions were submitted with oral argument on February 14, 2024. The Court has reviewed the record and the files herein, heard from counsel, and is fully informed. For the reasons given at the hearing and below, the Court denies the motions.

**DISCUSSION**

1. Motion to Suppress

Defendant seeks an order suppressing all evidence obtained during the execution of a search warrant at his residence. He contends the affidavit in support

1 of the warrant does not establish sufficient probable cause and is stale.

2 Under the Fourth Amendment, a search warrant may not issue without  
3 probable cause. U.S. Const. amend. IV. The determination whether probable cause  
4 exists is a “practical, common-sense decision” made in light of the totality of the  
5 circumstances. *Illinois v. Gates*, 462 U.S. 213, 238 (1983) (“The task of the  
6 issuing magistrate is simply to make a practical, common-sense decision whether,  
7 given all the circumstances set forth in the affidavit before him, including the  
8 ‘veracity’ and ‘basis of knowledge’ of persons supplying hearsay information,  
9 there is a fair probability that contraband or evidence of a crime will be found in a  
10 particular place.”). In determining whether a search warrant was based upon  
11 probable cause, the district court, is “limited to the information and circumstances  
12 contained within the four corners of the underlying affidavit.” *United States v.*  
13 *Stanert*, 762 F.2d 775, 778, *amended on other grounds*, 769 F.2d 1410 (9th Cir.  
14 1985).

15 Review of a magistrate judge's determination that probable cause existed for  
16 a warrant is deferential; “the duty of a reviewing court is simply to ensure that the  
17 magistrate had a ‘substantial basis for ... conclud[ing]’ that probable cause  
18 existed.” *Gates*, 462 U.S. at 238–39; *see also United States v. Kelley*, 482 F.3d  
19 1047, 1050 (9th Cir. 2007) (“Normally, we do not ‘flyspeck’ the affidavit  
20

1 supporting a search warrant through *de novo* review; rather, the magistrate judge's  
2 determination should be paid great deference.” (internal quotation marks omitted)).

3 For probable cause to exist, a magistrate need not determine that the  
4 evidence sought is *in fact* on the premises to be searched, or that the  
5 evidence is more likely than not to be found where the search takes place.  
The magistrate need only conclude that it would be reasonable to seek the  
evidence in the place indicated in the affidavit.

6 *United States v. Fernandez*, 388 F.3d 1199 (9th Cir. 2004) (citation omitted,  
7 emphasis in original). A magistrate is allowed to draw the reasonable inference  
8 that “[i]n the case of drug dealers, evidence is likely to be found where the dealers  
9 live.” *United States v. Angulo–Lopez*, 791 F.2d 1394, 1399 (9th Cir. 1986).

10 Here, Defendant’s wife’s telephone had a substantial amount of contact with  
11 “JUNIOR” the drug distributor. Additionally, drug courier vehicles went to  
12 Defendant’s house 33 different times between October 28, 2022 and March 8,  
13 2023. The last drug courier vehicle went to Defendant’s house on March 6, 2023,  
14 just three days prior to the application for the search warrant. Considering all the  
15 evidence disclosed in the search warrant application, probable cause to search was  
16 sufficiently established. Also, the information was not stale.

17 Moreover, suppression of the evidence found in the search pursuant to that  
18 warrant is not justified if the officer’s’ reliance on the judge’s determination of  
19 probable cause was objectively reasonable. *See United States v. Needham*, 718  
20 F.3d 1190, 1194 (9th Cir. 2013) (quoting *United States v. Leon*, 468 U.S. 897, 926

1 (1984) (internal citation marks omitted). The officer’s reliance on the Magistrate  
2 Judge’s determination of probable cause is objectively reasonable.

3  
4 2. Motion to Sever

5 Rule 14 provides that “[i]f the joinder of offenses or defendants . . . appears  
6 to prejudice a defendant,” then “the court may . . . sever the defendants’ trials, or  
7 provide any other relief that justice requires.” Fed. R. Crim. P. 14(a). “The district  
8 court’s denial of a motion to sever is reviewed for an abuse of discretion.” *United*  
9 *States v. Fernandez*, 388 F.3d 1199, 1241 (9th Cir. 2004). “The test for abuse of  
10 discretion by the district court is whether a joint trial was so manifestly prejudicial  
11 as to require the trial judge to exercise his discretion in but one way, by ordering a  
12 separate trial.” *Id.* (quoting *United States v. Baker*, 10 F.3d 1374, 1386 (9th Cir.  
13 1993)). Severance is appropriate under Rule 14 “only if there is a serious risk that  
14 a joint trial would compromise a specific trial right of one of the defendants, or  
15 prevent the jury from making a reliable judgment about guilt or innocence.” *United*  
16 *States v. Stinson*, 647 F.3d 1196, 1204–05 (9th Cir. 2011) (quoting *Zafiro v. United*  
17 *States*, 506 U.S. 534, 539 (1993)). “There is a preference in the federal system for  
18 joint trials of defendants who are indicted together.” *United States v. Barragan*,  
19 871 F.3d 689, 701–02 (9th Cir. 2017) (quoting *Zafiro v. United States*, 506 U.S. at  
20

1 537.) Indeed, a “joint trial is particularly appropriate where the co-defendants are  
2 charged with conspiracy.” *Fernandez*, 388 F.3d at 1242.

3 Here, Defendant has not shown prejudice, let alone manifest prejudice, so  
4 the Court denies the motion to sever. A separate order will be entered continuing  
5 trial with the co-defendant in this case.

6 **WHEREFORE, IT IS HEREBY ORDERED:**

7 1. The Motion to Suppress, ECF No. 211, is **DENIED**.

8 2. The Motion to Sever, ECF No. 212, is **DENIED**.

9 The District Court Executive is directed to enter this order and provide  
10 copies to counsel.

11 DATED February 14, 2024.



15  
16  
17  
18  
19  
20

A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE  
United States District Judge